

REMARKS

Claims 1-3, 5-9 and 11-18 are pending in the application. Claim 1, the only claim in independent form, has been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art of record. Favorable consideration is hereby requested.

The Office Action rejected Claims 1-5, 7, 8, 11, 12 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,105,650 (Manusch '650); rejected Claims 2, 3, 9 and 15 as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Manusch '650; rejected Claims 6, 14, 17 and 18 as obvious over Manusch '650 in view of Kobayashi (JP11-157290); and rejected Claim 13 under 35 U.S.C. § 103(a) as obvious over Manusch '650 in view of U.S. Patent No. 5,462,633 (Manusch '633). Applicant respectfully traverses these rejections.

Applicant notes that Claim 1 has been amended to recite that the first application edge and the second application edge are arranged asymmetrically in relation to a longitudinal axis of the application member. Support for this amendment can be found at least in paragraphs 0020-0022 of the specification, and at least in Figures 4 and 8, with each figure showing for example, the longitudinal axis 4c, first application edge 5a and second application edge 5b, the edges 5a, 5b being arranged asymmetrically in relation to the longitudinal axis.

Manusch '650 shows a dispenser having two contact surfaces 9a, 9b (Fig. 1) being provided at the front free ends of the two application toes 4a, 4b in order to enable both a pull and a push mode. The push and pull modes are further described on the second paragraph of column 6.

Applicant submits that Manusch '650 requires a symmetrical arrangement of the contact surfaces 9a, 9b, application toes 4a, 4b, and housing (col. 6, line 6). This symmetrical arrangement is necessary in order to enable the pull and push modes (col. 6, second paragraph). In contrast to Manusch '650, the present invention as recited in Claim 1 includes two separate application edges which can both be used in a pull mode or in a push mode. The constructive difference between Manusch '650 and the present invention as recited in Claim 1 actually resides in the fact that the application edges according to the present invention as recited in Claim 1 are arranged asymmetrically in relation to the longitudinal axis of the application tip. Applicant submits that nothing has been found in Manusch '650 that would teach or suggest this feature, and at least for this reason, Claim 1 is patentable over Manusch '650.

A review of the other art of record including Kobayashi and Manusch '633 has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against independent Claim 1. Therefore, Claim 1 is respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from Claim 1 discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

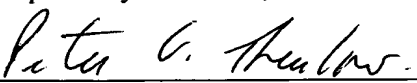
This Amendment After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office at the phone number below. All correspondence should continue to be directed to our address listed below.

Date: April 25, 2006

Respectfully submitted,


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